



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AGROLOGISTS ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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AGROLOGISTS ACT

CHAPTER A-10

1. Definitions

In this Act

- (a) “**agrologist**” means a person registered as an agrologist under this Act;
- (b) “**agrologist in training**” means a person registered as an agrologist in training under this Act;
- (c) “**board**” means the board of examiners appointed under this Act;
- (d) “**business of agriculture**” includes
 - (i) the cultivation, production, improvement, use or protection of agricultural plants,
 - (ii) the raising, feeding, improvement, protection or use of farm animals, poultry or bees,
 - (iii) the production, processing, marketing, financing or protection of agricultural products and supplies,
 - (iv) the classification, cultivation, use, fertilization, conservation or improvement of soils for agricultural or related purposes,
 - (v) the on-farm management of waste products,
 - (vi) the making of economic, statistical or sociological studies of any aspect of the agricultural industry,
 - (vii) the utilization or control of energy or water for agricultural purposes,
 - (viii) the agricultural use of building, structures, machinery or equipment,
 - (ix) the identification or control of weeds and the pests of agricultural plants or animals, and
 - (x) any other agricultural pursuits that may be deemed by the council advisable for inclusion;
- (e) “**council**” means the council of the Institute;
- (f) “**Institute**” means the Prince Edward Island Institute of Agrologists;
- (g) “**member**” means a registered member of the Institute;
- (h) “**practising agrology**” means engaging for hire, gain or the hope of reward in
 - (i) advising upon, interpreting data with respect to, demonstrating, teaching, inspecting or regulating the business of agriculture, or
 - (ii) conducting scientific experiments and research in relation to the business of agriculture;
- (i) “**registrar**” means the registrar of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.1; 1981,c.2,s.1; 2015,c.36,s.3(2).*

2. Institute, a body corporate

- (1) The Prince Edward Island Institute of Agrologists is a body corporate.

Membership

- (2) The Institute shall consist of its present members and those who hereafter become members in accordance with this Act.

Objectives

- (3) The objectives of the Institute are
- (a) to promote and increase the knowledge, skill and proficiency of its members in the practice of agrology;
 - (b) to do all things that may be necessary or incidental or conducive to the usefulness of agrologists to the public; and
 - (c) to ensure to the public the proficiency and competency of agrologists. *R.S.P.E.I. 1974, Cap. A-8, s.2.*

3. Council of management

There shall be a council of management of the Institute to be constituted in the manner hereinafter mentioned. *R.S.P.E.I. 1974, Cap. A-8, s.3.*

4. Officers of the council

- (1) The council shall consist of the president, president-elect, immediate past-president, secretary-treasurer, and at least two other councillors elected in the manner provided by the bylaws of the Institute.

Residence

- (2) All members of the council shall be resident in Prince Edward Island and in good standing.

Retirement of president

- (3) On retirement each president shall hold office as immediate past-president on the next succeeding council. *R.S.P.E.I. 1974, Cap. A-8, s.4.*

5. President-elect

The president-elect shall be elected by and from the registered members of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.5.*

6. Term of office of president-elect

- (1) The president-elect shall serve as president during the second year following his election and shall hold office until his successor has served as president-elect for one year.

Election

- (2) The president-elect shall be elected annually and shall have all the powers of the president during his absence.

Term of office of councillors

- (3) Subject to subsection (4), the elected members of council shall hold office for a term of two years.

Term of office of present councillors

- (4) Where additional members are added to the council they shall hold office for such term and subject to such conditions as may be prescribed by the bylaws of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.6.*

7. Resignation or death

In case of resignation or death of an elected member of the council, the vacancy shall be filled in the manner provided by the bylaws of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.7.*

8. Voting qualifications

No person shall be eligible for election to the council or qualified to fill a vacancy thereon or to vote for members thereof unless duly registered under this Act and the bylaws of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.8.*

9. Election disputes

The council shall decide all questions in dispute relating to elections to the council and the eligibility and rights of membership and the decision of the council in such matters shall be final. *R.S.P.E.I. 1974, Cap. A-8, s.9.*

10. Officers of the Institute

- (1) The officers of the Institute shall be
- (a) the president, the president-elect and the past-president;
 - (b) the registrar and the secretary-treasurer who in each case shall be a member in good standing, but one person may be appointed to both offices; and
 - (c) any officers who may be appointed by the council or elected pursuant to the bylaws of the Institute.

Registrar and secretary-treasurer

- (2) The registrar and the secretary-treasurer shall be appointed by the council from among the members of the Institute.

Term of office

- (3) All officers appointed by the council shall hold office during pleasure.

Salaries and fees

- (4) The council from time to time by bylaws may fix salaries or fees to be paid to the officers appointed under this Act. *R.S.P.E.I. 1974, Cap. A-8, s.10.*

11. Meetings, time and place of

- (1) The meetings of the Institute and of the council shall be held at the times and places fixed by the bylaws of the Institute or resolutions of the council respectively, and in the absence of any rule or regulation on the subject, the president, or in the event of his absence, resignation or death, the president-elect, may, by circular letter sent to each member of the Institute or of the council, as the case may require, summon a meeting at such time and place as to him seems proper.

Circular letter, mailing

- (2) The circular letter set out in subsection (1) shall be sent at least fourteen days before the day on which the meeting is to be held. *R.S.P.E.I. 1974, Cap. A-8, s.11; 1981,c.2,s.2.*

12. Casting vote

At all meetings the chairman shall have a casting vote only. *R.S.P.E.I. 1974, Cap. A-8, s.12; 1981,c.2,s.3.*

13. Chairing meetings

The president, or in his absence, the president-elect, or in his absence, a member to be chosen from the members present, shall act as chairman of meetings of the Institute and of the council. *R.S.P.E.I. 1974, Cap. A-8, s.13; 1981,c.2,s.4.*

14. Voting procedure

All questions submitted to the Institute or the council shall be decided by a majority of the members present, a quorum being not less than fifteen in number in the case of the Institute, and three in the case of the council. *R.S.P.E.I. 1974, Cap. A-8, s.14.*

15. Institute may acquire, etc.

The Institute may acquire by gift, purchase or otherwise, and alienate, sell, mortgage, lease or otherwise charge or dispose of real or personal property for the purpose of carrying into effect and of promoting the aims, objects and designs of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.15.*

16. Institute bylaws, rules and regulations

The Institute may make bylaws, rules and regulations respecting

- (a) the election of the council, the filling of vacancies thereon and defining the duties thereof;
- (b) the conduct, discipline and honour of its members;
- (c) the management of its property;
- (d) the appointment of such officers, in addition to those provided for in sections 4 and 10 of this Act, as may be necessary for carrying out the purposes of the Institute, and the defining of the duties of such officers;
- (e) the maintenance of the Institute by levying annual and other fees and prescribing the same, and the levying of fines for non-payment of fees;
- (f) the time, place and conduct of the annual and other meetings of the Institute and meetings of the council;
- (g) the admission of candidates to membership in the Institute;
- (h) the enrolment of agrologists in training and recording of agricultural students and technicians enrolled at agricultural colleges and universities;
- (i) the issuance of permits to persons who are not members of the Institute authorizing them to practise agrology for a limited period of time to be specified in the permit;
- (j) all other purposes deemed necessary or convenient for the management or welfare of the Institute and for the conduct of its business. *R.S.P.E.I. 1974, Cap. A-8, s.16; 1981,c.2,s.5.*



17. Membership qualifications

- (1) A person is eligible for membership in the Institute if he
- (a) appears before and satisfies the council that he
 - (i) has obtained a degree in agriculture from a university or college recognized by the council, or
 - (ii) has obtained a degree and has passed such examinations as the council after evaluating his degree and his subsequent experience, considers necessary to establish that his qualifications are equivalent to those persons holding a degree in agriculture under subclause (i); and
 - (b) satisfies the council that he has been engaged in agrology in a professional or other capacity for a period totalling three years after having obtained his degree and that the major part of that time occurred within the three year period immediately preceding the approval of the council as to the compliance of the applicant with this section.

Practice in agrology, computing minimum period

- (2) For the purpose of computing the period of three years referred to in clause (1)(b), the council may include
- (a) time spent in practising agrology as an enrolled agrologist in training;
 - (b) time spent in post-graduate studies at a university or college recognized by the council; and
 - (c) time spent in active farming operations.

Existing membership in an agricultural body

- (3) A person is eligible for membership in the Institute if he satisfies the council that he holds a membership in good standing in a professional agricultural body having admission standards considered by the council to be equivalent to those required by subsection (1). *R.S.P.E.I. 1974, Cap. A-8, s.17; 1981,c.2,s.6; 2015,c.36,s.3(3).*

18. Registration fees

Every applicant who is eligible under section 17 and who

- (a) has paid the required fees; and
- (b) is of good professional reputation in the opinion of the council,

shall be registered as a member of the Institute by the registrar and shall be issued a certificate of membership in such form and subject to such regulations as may be prescribed by bylaw. *R.S.P.E.I. 1974, Cap. A-8, s.18; 1981,c.2,s.7.*

19. Agrologist in training, registration of

- (1) A person who complies with clause 17(1)(a), upon payment of the registration fee and annual fees determined by the bylaws of the Institute, may be registered with the Institute as an agrologist in training and may be allowed to practise agrology under the guidance of an agrologist.

Period of training

- (2) The term of training is three years.

Rights

- (3) The rights and privileges of an agrologist in training are as set out in the bylaws. *R.S.P.E.I. 1974, Cap. A-8, s.19; 1981, c.2, s.8.*

20. Permits

- (1) A person who does not comply with clause 17(1)(a) but by virtue of his employment is practising agrology must hold a permit issued by the council.

Issue

- (2) The council may issue permits, upon payment of the prescribed fee, to persons who in the opinion of the council, have adequate training or experience to perform in a certain specified field of agrology.

Application

- (3) An application for a permit shall be made to the registrar.

Limitation of permit

- (4) The council may issue a permit restricting the holder thereof to practise in a field of agrology specified in the permit and may supervise his activity in that field. *1981, c.2, s.8.*

21. Membership restriction

No partnership, company, corporation or association of persons shall, as such, be registered as a member of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.20.*

22. Admission to Institute

- (1) The examination of candidates for admission to the Institute shall be under the control of the council.

Council, powers

- (2) The council
- (a) may from time to time appoint a board of examiners to examine candidates; and
 - (b) may make regulations
 - (i) prescribing the subjects of examination, and the fees payable by applicants, and
 - (ii) governing the conduct of examinations.

Time and place of examinations

- (3) Every examination of candidates for admission to membership of the Institute shall be held at a time and place fixed by the council.

Application for examination

- (4) Application for admission to examination for membership of the Institute
- (a) shall be made on a form to be supplied on application to the secretary-treasurer of the council; and
 - (b) shall be filed with the secretary-treasurer of the Institute at least four weeks before the times fixed for examination.



Application, contents

- (5) Every application referred to in subsection (4)
- (a) shall be accompanied by the prescribed examination fee; and
 - (b) shall contain such information concerning the preliminary education of the applicant and course of study as the council may prescribe.

Re-examination

- (6) Candidates who fail the examination for membership may apply to the council for *re-examination* subject to the terms and conditions specified in the bylaws.

Reporting names of successful candidates

- (7) The secretary-treasurer of the Institute shall report to the registrar of the Institute the names of candidates who have passed the examinations. *R.S.P.E.I. 1974, Cap. A-8, s.22; 1981, c.2, s.10.*

23. Register

- (1) The council shall cause to be kept by the registrar a record to be known as the register in which shall be entered the names and addresses of all persons who, having complied with this Act and the bylaws thereunder, have been admitted to the Institute, and the register shall be open to inspection at all times free of charge.

Duties of registrar

- (2) The registrar shall keep the register correctly and strictly in accordance with this Act, the bylaws of the Institute and the rules, orders and regulations of the council. *R.S.P.E.I. 1974, Cap. A-8, s.23.*

24. Certificate of registration

- (1) The registrar shall issue an annual certificate of registration in the form and subject to the regulations prescribed by bylaw of the Institute to all persons whose names have been duly entered in the register as agrologists by the authority of the council.

Expiry of certificate

- (2) All certificates of registration shall expire on December 31 in each year but shall be renewable for one year upon payment of the prescribed fee. *R.S.P.E.I. 1974, Cap. A-8, s.24.*

25. List of names

- (1) The registrar shall, under the direction of the council, cause to be printed and published a correct list of the names in alphabetical order according to the surnames, with the respective residences, of all persons whose names are in the register, and if the list is not published yearly, he shall issue a yearly addendum.

List of names *prima facie* evidence

- (2) The list or addendum published or purporting to be published by the Institute shall be *prima facie* evidence in all courts in the province and before all magistrates and justices of the peace in and for the province that the persons therein named are registered according to this Act, and, subject to subsection (3), the absence of the name of any such person from the list or addendum shall be *prima facie* evidence that such person is not registered.

Certificate of registration, evidence of

- (3) A certificate of registration purporting to be signed by a person in his capacity as registrar of the Institute shall be *prima facie* evidence that he is registrar and of the facts certified. *R.S.P.E.I. 1974, Cap. A-8, s.25.*

26. Fees

- (1) Members shall pay on registration and annually the fees prescribed by the bylaws of the Institute.

Default in fees

- (2) The names of those in default shall be removed from the register by order of the council after one months notice by prepaid registered mail to the parties, and shall not be reinstated except upon payment of such fees, and fines, if any, as may be imposed under the bylaws of the Institute.

Transfer of membership to Institute

- (3) Any person, resident in another province and who is a registered member in good standing in a professional agricultural organization, recognized by the Institute and with which the Institute has a reciprocal agreement, may transfer his membership to the Institute without being assessed a registration fee.

Periodic practice

- (4) Any person, resident in another province and who is a registered member in good standing in a professional agricultural organization, recognized by the Institute, and with which the Institute has a reciprocal agreement, may be allowed to practise agrology periodically in Prince Edward Island without being assessed a registration fee. *R.S.P.E.I. 1974, Cap. A-8, s.26.*

27. Complaints

- (1) The council may hear and determine any complaint against a member of the Institute
- (a) for violation of any of the provisions of this Act, or of the bylaws, rules or regulations of the Institute; or
 - (b) for breach of the professional ethics of the Institute.

Complaints, hearing

- (2) Upon receipt of a complaint referred to in subsection (1), the council shall
- (a) appoint a time and place for hearing the complaint; and
 - (b) give to the complainant and the accused member of the Institute due notice in writing of the time and place at which the council will meet to hear the complainant and the accused member, and the evidence adduced on their behalf.

Notice of hearing

- (3) The notice of the hearing of the complaint
- (a) shall be signed by the president or president-elect;
 - (b) shall be served on the accused member at least fourteen days before the date set for the hearing; and
 - (c) shall embody or be accompanied by a copy of the charges made against the accused member.



Who may be heard

- (4) The council at the time and place mentioned in the notice of the hearing or at any time and place to which the hearing may be adjourned, shall hear the complainant and the accused member and the evidence adduced on their behalf, and if the complaint is proven, the council may reprimand or fine the accused member or may suspend or expel him from membership in the Institute.

Testimony

- (5) The testimony of witnesses at the hearing shall be taken under oath, and all witnesses called on behalf of the complainant or the accused member may be examined, cross-examined and *re-examined*.

Evidence

- (6) The evidence given at any hearing shall be recorded.

Accused member, non-attendance at hearing

- (7) If the accused member does not attend the hearing the council, upon proof of the service on the accused member of the notice of the hearing and the charge against him, may proceed in the absence of the accused member in the same manner as if he were present at the hearing, and he is not entitled to notice of any adjourned or other meetings and proceedings of the council in the matter of the complaint.

Costs of inquiry

- (8) Where the council directs the accused member be suspended or expelled, it may direct that the costs of and incidental to the inquiry be paid by the member, and after the assessment of the costs, execution may issue out of the Supreme Court for the recovery thereof, as upon a judgment in an action in that court.

Reinstatement of member

- (9) The council, where a member has been suspended or expelled
- (a) may reinstate the member; and
 - (b) may restore all his rights and privileges as a member, upon such terms and conditions as the council may decide.

Quorum of council

- (10) For the purposes of this section, five members of the council shall constitute a quorum.

Limitation of action

- (11) No action shall lie against the council or any member thereof for any proceedings taken in good faith, or for orders made or enforced under the disciplinary provisions of this Act.

Rules and regulations

- (12) The council may make rules to regulate
- (a) the makings of complaints; and
 - (b) the hearing and determination of matters of complaint under this section.
R.S.P.E.I.1974, Cap.A-8, s.27; 1981, c.2, s.11; 2015, c.36, s.3(3), (4).

28. Appeal against suspension

- (1) A person suspended or expelled from the Institute may at any time within three months after the date of the order of the council appeal to a judge of the Supreme Court of Prince Edward Island against the order.

Judge shall hear appeal

- (2) The judge to whom the appeal has been made, after due notice to all parties concerned, shall hear the appeal, and allow or dismiss the appeal, or make such order varying the order of the council and such order as to costs as he considers just.

Appeal, foundation of

- (3) The appeal shall be founded upon a copy of the evidence and the record of the proceedings before the council and the order of the council certified by the registrar who shall furnish a copy of the same to the appellant upon request. *R.S.P.E.I. 1974, Cap. A-8, s.28.*

29. Frivolous and vexatious complaints

When a complaint against any person has been finally determined in his favour and found by the council to have been frivolous and vexatious, the council may order the costs to be paid to him out of the funds of the Institute as the council considers just. *R.S.P.E.I. 1974, Cap. A-8, s.29.*

30. Offences & penalties

- (1) A person who not being an agrologist and not registered under this Act
- (a) practises agrology;
 - (b) usurps the function of an agrologist;
 - (c) assumes verbally or otherwise the title of agrologist or makes use of any abbreviation thereof, or of any name, title or designation that may lead the public to the belief that he is an agrologist of the Province of Prince Edward Island or a member of the Institute; or
 - (d) holds himself out to the public as an agrologist,

is guilty of an offence and liable on summary conviction to a fine not less than \$100 for the first offence and not more than \$500 for every subsequent offence.

Fees not collectable

- (2) The person described in subsection (1) shall not be capable of recovering any fees, rewards, or disbursements for any services rendered.

No application to permit holder

- (3) This section does not apply to persons holding a permit under section 20. *R.S.P.E.I. 1974, Cap. A-8, s.30; 1981,c.2,s.12; 1994,c.58,s.6.*

31. False or fraudulent representations

A person wilfully procuring or attempting to procure himself to be registered under this Act by making or producing, or causing to be made or produced, a false or fraudulent representation or declaration, either verbally or in writing and every person knowingly aiding and assisting him therein, is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$500. *R.S.P.E.I. 1974, Cap. A-8, s.31; 1981,c.2,s.13; 1994,c.58,s.6.*



32. Limitation of action

No prosecution shall be commenced for an offence against this Act after the expiration of two years from the date of the alleged offence. *R.S.P.E.I. 1974, Cap. A-8, s.32.*

33. Certificate as evidence

A certificate of the registrar as to the registration or non-registration of any person is admissible in evidence in any court and, in the absence of evidence to the contrary, is proof of the statements contained in the certificate without proof of the signature or official character of the person appearing to have signed the certificate. *R.S.P.E.I. 1974, Cap. A-8, s.33; 1981,c.2,s.14.*

34. Persons to whom Act not applicable

Nothing in this Act applies to

- (a) a person carrying on the business of farming or the growing of crops, unless he becomes a member of the Institute or practises agrology;
- (b) a member of the Armed Forces of Canada while actually employed on duty with those Forces;
- (c) technical assistants in agriculture working under the direct supervision of an agrologist and not taking responsibility for their work other than to their immediate superiors;
- (d) a person who is not registered as an agrologist under the Act but is registered as a professional engineer under the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8 or as a veterinarian under the *Veterinary Profession Act* R.S.P.E.I. 1988, Cap. V-3, if he does not hold himself out as an agrologist; or
- (e) a person who is not registered as an agrologist under this Act but practises his profession, trade or calling in a field of endeavour related to agriculture so long as he does not practise agrology or hold himself out as an agrologist. *R.S.P.E.I. 1974, Cap. A-8, s.34; 1981,c.2,s.15; 2015,c.36,s.3(4).*

35. Certified return under seal

The registrar shall when required by the Lieutenant Governor in Council to do so, transmit to the Director of Corporations a certified return under the seal of the Institute setting forth all such information and particulars relating to the Institute as he may require. *R.S.P.E.I. 1974, Cap. A-8, s.35; 1980,c.2,s.3.*

36. Head office

The head office of the Institute shall be located at such place as may be specified in the bylaws of the Institute. *R.S.P.E.I. 1974, Cap. A-8, s.36.*

37. Director of Corporations, bylaws to be filed with

- (1) The Institute shall file with the Director of Corporations two copies, certified by the registrar to be true copies of all bylaws, rules and regulations hereafter made under this Act and all amendments made to such bylaws, rules and regulations within thirty days after they are made, and shall be subject to the approval of the Lieutenant Governor in Council.

Code of ethics

- (2) Where the Institute adopts a code of ethics governing its members, and subscription thereto or observance thereof as a condition of membership, the code of ethics shall, for the purposes of this section and section 38, be deemed to be a bylaw of the Institute.

Copies of bylaws

- (3) Where a bylaw, rule or regulation is hereafter amended, two copies thereof shall be filed with the amendment and shall be subject to the approval of the Lieutenant Governor in Council. *R.S.P.E.I. 1974, Cap. A-8, s.37; 1980,c.2,s.3.*

38. Effective date of bylaws, etc.

All bylaws, rules, regulations and amendments thereto hereafter made shall take effect upon the approval of the Lieutenant Governor in Council. *R.S.P.E.I. 1974, Cap. A-8, s.38.*

39. Annual return from Institute to Director of Corporations

The Institute shall, before February 1 in each year, file with the Director of Corporations a return certified by the registrar to be correct showing

- (a) the names and addresses and dates of admission to membership in the Institute of all persons who became members during the preceding year;
- (b) the names of all persons who were expelled from membership or who otherwise ceased to be in good standing during that year;
- (c) the names of all persons who were reinstated as members during that year; and
- (d) any known changes in the addresses of members. *R.S.P.E.I. 1974, Cap. A-8, s.39; 1980,c.2,s.3.*

